

1-1 By: Ellis S.B. No. 453
1-2 (In the Senate - Filed February 5, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 26, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the testing of certain inmates for HIV or AIDS.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 501.054, Government Code, is amended by
1-11 amending Subsections (g) and (i) and adding Subsection (j) to read
1-12 as follows:

1-13 (g) The department shall maintain the confidentiality of
1-14 test results of an inmate indicating HIV infection at all times,
1-15 including after the inmate's discharge, release from a state jail,
1-16 or release on parole or mandatory supervision. The department
1-17 [and] may not honor the request of an agency of the state or any
1-18 person who requests a test result as a condition of housing or
1-19 supervising the inmate while the inmate is on community supervision
1-20 or parole or mandatory supervision, unless honoring the request
1-21 would improve the ability of the inmate to obtain essential health
1-22 and social services.

1-23 (i) The department [institutional division] may test an
1-24 inmate confined in a facility operated by the correctional
1-25 institutions division for human immunodeficiency virus at any time,
1-26 but must test:

1-27 (1) during the diagnostic process, an inmate for whom
1-28 the department does not have a record of a positive test result; and

1-29 (2) an inmate who is eligible for release before the
1-30 inmate is released from the division.

1-31 (j) If the department [institutional division] determines
1-32 that an inmate has a positive test result, the department
1-33 [division] may segregate the inmate from other inmates. The
1-34 department [institutional division] shall report the results of a
1-35 positive test to the Department of State Health Services for the
1-36 purposes of notification and reporting as described by Sections
1-37 81.050-81.052, Health and Safety Code.

1-38 SECTION 2. Subsection (i), Section 501.054, Government
1-39 Code, as amended by this Act, applies only to an inmate with respect
1-40 to whom the Texas Department of Criminal Justice begins the
1-41 diagnostic process on or after the effective date of this Act. An
1-42 inmate with respect to whom the department begins the diagnostic
1-43 process before the effective date of this Act is governed by the law
1-44 in effect at the time the department began the diagnostic process,
1-45 and the former law is continued in effect for that purpose.

1-46 SECTION 3. This Act takes effect immediately if it receives
1-47 a vote of two-thirds of all the members elected to each house, as
1-48 provided by Section 39, Article III, Texas Constitution. If this
1-49 Act does not receive the vote necessary for immediate effect, this
1-50 Act takes effect September 1, 2007.

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